

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS R. GALLOWAY, JR.,)	
)	
Plaintiff,)	Civil Action No. 20-611
)	Magistrate Judge Maureen P. Kelly
v.)	
)	
JOHN R. WALTON, <i>Warden, Westmoreland</i>)	
<i>County Prison</i> , WESTMORELAND)	
COUNTY PRISON, WESTMORELAND)	Re: ECF No. 18
COUNTY COURTS, WESTMORELAND)	
COUNTY DA'S OFFICE, GEORGE)	
LOWTHER, <i>D. Security Warden</i> , ERIC)	
SCWARTZ, <i>D. Warden of Treatment</i> , LT.)	
PALESKI, and LT. BILL,)	
)	
Defendants.)	

ORDER OF COURT

Thomas R. Galloway, Jr. ("Plaintiff"), is currently a pre-trial detainee at the Westmoreland County Prison. He is also subject of a detainer from the Pennsylvania Board of Probation and Parole for violating his parole, apparently by the existence of the new pending criminal charges against him. Plaintiff, proceeding pro se, submitted a Motion for Leave to Proceed in Forma Pauperis ("IFP Motion"), which was ultimately granted. ECF No. 8. The grant of IFP status requires that Plaintiff make partial payments out of his prison inmate account until the filing fee is paid.

Most recently, Plaintiff has filed correspondence with the Court, ECF No. 18, in which he makes several requests. We will treat the correspondence as a Motion, seeking various forms of relief. Treated as such, the Court denies the Motion.

First, Plaintiff complains that he has not received receipts from this Court's Clerk of Court for two payments deducted from his inmate account toward his filing fee obligation. If Plaintiff wishes to receive receipts for payments, he must send self-addressed stamped envelopes to the Clerk's Office requesting such receipts. As a one-time courtesy, the Court is enclosing a copy of the docket sheet that shows one payment received by the Clerk's Office on September 15, 2020 in the amount of \$ 20.00. ECF No. 17.

Plaintiff is also informed that this case is NOT a class action. See ECF No. 16 at 3 ("In the first and second paragraphs of the Motion, Plaintiff references this case as a class action and requests that 'this above action to be a class action' to effectuate changes at the Westmoreland County Prison. ECF No. 15 at 1. A review of the docket and the Amended Complaint reveals that Plaintiff did not file a class action complaint nor did he make any allegations in the Amended Complaint relative a plaintiff class. No motion for class certification was filed. As such, this request is denied."). Hence, Plaintiff is solely responsible the filing fee in this case. Moreover, Plaintiff is informed that he must pay the filing fee while the action is pending and even after the case is resolved until the complete filing fee is paid and will be required to immediately pay the entire filing fee if his IFP status is revoked.

Next, Plaintiff requests this Court to tell the Westmoreland County Prison to stop taking 20% of his monthly inmate account income for the filing fee herein as well as taking an additional 20% of his monthly inmate account income for the filing fee of state cases. Plaintiff's request is DENIED. Westmoreland County Prison is properly taking 20% each month for each filing fee that Plaintiff owes. Cf. Bruce v. Samuels, 577 U.S. 82, 87 (2016) ("We agree with the appeals court that § 1915(b)(2) calls for simultaneous, not sequential, recoupment of multiple filing fees.").

Plaintiff also references a habeas case which he has pending in this Court. Galloway v. Walton, No. 20-cv-598 (W.D. Pa.). Plaintiff asks why he has not received a ruling in that case. A ruling in that case will be rendered in the ordinary course which could take some months given the press of other earlier filed habeas petitions.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

SO ORDERED this 23rd day of October 2020.

BY THE COURT:

/s/ Maureen P. Kelly

MAUREEN P. KELLY

UNITED STATES MAGISTRATE JUDGE

cc: THOMAS R. GALLOWAY, JR.
3442020
Westmoreland County Prison
3000 South Grand Blvd
Greensburg, PA 15601